

AN ORDINANCE

BY: ZONING COMMITTEE

08-0-0205

CORRECTING ORDINANCE NUMBER 06-O-2693 WHICH GRANTED A SPECIAL USE PERMIT PURSUANT TO SECTION 16-11.005(1)(H) FOR A HOTEL ON PROPERTY ABUTTING PEACHTREE ROAD, BOLLING WAY AND BUCKHEAD AVENUE; AND FOR OTHER PURPOSES.

WHEREAS, Ordinance Number 06-O-2693 was adopted by Council April 16, 2007 and approved by the Mayor on April 23, 2007; and

WHEREAS, the addresses, zoning ordinance references, abutting right-of-ways, acreage, owners and legal description included in Ordinance Number 06-O-2693 are not consistent with the amended special use permit application submitted to the City of Atlanta; and

WHEREAS, the legal description in Ordinance Number 06-O-2693 does not accurately describe the tract of land submitted and approved for a special use permit for a hotel.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section 1. That the addresses listed in the heading and in Section 1 of Ordinance Number 06-O-2693 be amended to include 3039, 3045, 3047, 3049-3051, 3051-3053, 3065 and 3071-3073 Peachtree Road and these addresses were properly posted prior to the public hearing;and

Section 2. That the zoning ordinance section referenced in the heading and in Section 1 be amended to delete the reference to "Section 16-11.005(1)(h)" and replace the zoning ordinance reference with "Section 16-13.005(1)(g)."

Section 3. That the language in the heading providing

"fronting approximately 226 feet on the south side of Buckhead Avenue, approximately 337 feet on the east side of Peachtree Road, approximately 339.84 feet on the west side of Bolling Way and approximately 251.71 feet on the north side of Pharr Road"

be deleted in its entirety and replaced with the following:

"fronting approximately 193 feet on the north side of Buckhead Avenue, approximately 436 feet on the east side of Peachtree Road and 356 feet on the west side of Bolling Way."

Section 4. That the acreage included in the heading for Ordinance 06-O-2693 be amended to read "1.27 acres" in lieu of "3.0 acres."

Section 5. That the owners listed in the heading for Ordinance 06-O-2693 be deleted in their entirety and replaced with “Kennesaw/Cobb Place, LLC, Roger B. White, Jr., Tracy White, G&M Management Corporation and Village Properties.”

Section 6. That the legal description attached to Ordinance Number 06-O-2693 be deleted in its entirety and replaced with the legal description attached hereto as Exhibit “A”.

Section 7. That all ordinances and parts of ordinances in conflict herewith are hereby waived.

EXHIBIT "A"

Parcel B
(U-06-32)

ALL THAT TRACT or parcel of land lying and being in land Lot 99 of the 17th District of Fulton County, Georgia, being in the City of Atlanta and being more particularly described as follows:

Commencing at the southeastern intersection of Peachtree Road and East Paces Ferry Road; thence continuing along the right-of-way of Peachtree Road S 27°29'18" W, a distance of 50.64' to a point, said point being the Point of Beginning, thence leaving said right-of-way of Peachtree Road S 77°41'15" E a distance of 146.31' to a point along the right-of-way of Bolling Way; thence continuing along said right-of-way of Bolling Way S 27°17'04" W a distance of 25.42' to a point; thence S 26°37'53" W a distance of 44.53' to a point; thence S 26°06'37" W a distance of 39.49' to a point; thence S 27°21'21" W a distance of 54.85' to a point; thence S 25°59'35" W a distance of 28.01' to a point; thence S 28°10'33" W a distance of 26.68' to a point; thence S 29°11'12" W a distance of 37.03' to a point; thence S 29°12'04" W, a distance of 36.32' to a point; thence S 26°12'36" W a distance of 40.74 feet to a point; thence S 45°15'49" W, a distance of 47.29' to a point; thence S 79°14'01" W, a distance of 148.80' to a point marking the intersection of Buckhead Avenue and Peachtree Road; thence continuing along the right-of-way of Peachtree Road, N 25°51'22" E a distance of 34.65' to a point; thence N 25°51'25" E a distance of 80.85' to a point; thence N 25°51'25" E, a distance of 39.92' to a point; thence N 25°50'47" E, a distance of 36.90' to a point; thence N 25°25'26" E a distance of 31.35'; thence N 25°18'50" E a distance of 28.97'; thence N 25°37'04" E a distance of 59.80'; thence N 26°09'45" E a distance of 49.85'; thence N 27°04'07" E a distance of 44.78'; thence N 27°29'18" E a distance of 25.27' to the Point of Beginning.



06-0-2693

City Council
Atlanta, Georgia

AN ORDINANCE
BY: ZONING COMMITTEE

U-06-32

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-11.005 (1) (h) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a Hotel, is hereby approved. Said use is granted to **BUCKHEAD AVENUES DEVELOPMENT CO, LLC**, and is to be located at **3057, 3059, 3063, 3067, 3069 and 3071 Peachtree Road N.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 99, 17th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

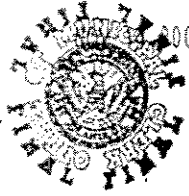
SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy


Deputy Clerk

ADOPTED as amended by the Council
APPROVED by the Mayor

APR 16, 2007
APR 23, 2007



0006 2:27PM

POWELL, GOLDSTEIN (DTILL3)

NO. 334 P. 2

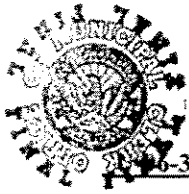
Parcel B

ALL THAT TRACT or parcel of land lying and being in land Lot 99 of the 17th District of Fulton County, Georgia, being in the City of Atlanta and being more particularly described as follows:

Beginning at a point 50.60' from the southeastern intersection of Piedmont road and East Paces ferry road ; thence leaving said right-of-way S 77°40'27" E a distance of 146.29' to a point; thence S 27°16'41" W a distance of 25.68'; thence S 26°37'53" W a distance of 44.29'; thence S 26°06'37" W a distance of 39.49'; thence S 27°21'21" W a distance of 54.85'; thence S 25°59'35" W a distance of 28.01'; thence S 28°09'14" W a distance of 26.64'; thence N 85°47'12" W a distance of 150.00'; thence N 25°25'26" E a distance of 31.35'; thence N 25°18'50" E a distance of 28.97'; thence N 25°37'04" E a distance of 59.80'; thence N 26°09'45" E a distance of 49.85'; thence N 27°04'07" E a distance of 44.78'; thence N 27°29'18" E a distance of 25.27'; which is the point of beginning, having an area of 32447.33 square feet, 0.745 acres

U-06-32

RECEIVED
NOV 14 1946
Bureau of
Planning



CONDITIONS FOR

U-06-31 for 206-210, 220-222-230 Pharr Road, 225, 231-235, 247 Buckhead Avenue, 3039-3041 Bolling Way, 3009, 3011, 3013, 3015, 3023, 3025, 3029-3031 and 3035 Peachtree Road;

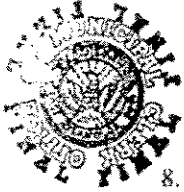
U-06-32 for 3039, 3045-3047, 3049-3053, 3057, 3059, 3063-3065, 3067, 3069, and 3071-3073 Peachtree Road;

U-06-33 for 255, 262, 265-267-269, 271-275-277-279, 281, 285, 287-295 East Paces Ferry Road and 248, 262, 270, 280, 284, 288 and 292 Buckhead Avenue, NE

1. Site plan entitled "Buckhead Avenues" (Parcel A) by Smallwood, Reynolds, Stewart, Stewart & Associates, Inc. Architects, received by the Bureau of Planning on March 1, 2007.
2. Site plan entitled "Buckhead Avenues" (Parcel B) by Smallwood, Reynolds, Stewart, Stewart & Associates, Inc. Architects, received by the Bureau of Planning on March 1, 2007.
3. Site plan entitled "Buckhead Avenues" (Parcel C) by Smallwood, Reynolds, Stewart, Stewart & Associates, Inc. Architects, received by the Bureau of Planning on March 1, 2007.

Conditions to GRTA Notice of Decision:

4. Provide a mixture of uses.
5. No access to Peachtree Road shall be permitted except if a median is constructed along Peachtree Road from at least East Paces Ferry Road to Peachtree Avenue, one right-in/right-out only access point shall be permitted along Peachtree Road.
6. Construct sidewalk facilities per Buckhead CID design plans.
7. The following improvements are required on and adjacent to state routes:
 - a. At the intersection of Peachtree Road and Pharr Road (intersection #2), provide an exclusive northbound left-turn lane and an exclusive southbound left-turn lane.
 - b. At the intersection of Peachtree Road and Buckhead Avenue (intersection #3), provide an exclusive westbound left-turn lane along Buckhead Avenue.
 - c. At the intersection of Peachtree Road and Bolling Way/Sardis Way (intersection #5), restripe existing on-street parking to provide an exclusive northbound right-turn lane along Bolling Way.



8. The following improvements are required on and adjacent to non-state roads:
- At the intersection of East Paces Ferry Road and Bolling Way (northbound) (intersection #12), prohibit northbound left-turn movements along Bolling Way.
 - At the intersection of Buckhead Avenue and North Fulton Drive (intersection #16), install a signal, if warranted, with pedestrian actuation.
 - At the intersection of Pharr Road and North Fulton Drive (intersection #17), install a traffic signal if warranted, with pedestrian actuation devices.
 - At the intersection of Bolling Way and Driveway B1, relocate access a minimum of 100 feet from Bolling Way/Buckhead Avenue intersection.

Conditions agreed to with NPU for U-06-31 (Parcel A), U-06-32 (Parcel B) and U-06-33 (Parcel C)

1. Development will be restricted to the following maximums:

	Non-residential (Excluding Hotel)	Residential Units And/Or Hotel Rooms
Parcel A	<u>220,000</u>	<u>250</u>
Parcel B	<u>88,000</u>	<u>220</u>
Parcel C	<u>165,000</u>	<u>300</u>
Total	<u>473,000</u>	<u>770</u>

Subject to compliance with all other ordinances, regulations, and conditions, including any special use permits applicable to the parcels, the above densities may be moved from parcel to parcel and each of the uses specified above may increase by not more than 20%, so long as the total of all development does not increase by more than 10%. Below grade storage areas shall not be included in the calculation of the development maximums in this Condition 1. Hotel service and hotel amenity uses such as restaurants and spas included in the hotel and operated by a hotelier shall not be included in the calculations of development maximums in this Condition 1.

- In the aggregate, Parcels A, B and C will contain a minimum of 6,800 square feet of landscaped area.
- Applicant will require that each hotel and residential association in the development become a member of the Buckhead Area Transportation Management Association



(BATMA) prior to the issuance of a certificate of occupancy for each such use. At least one level of each parking garage and parking deck shall be van pool accessible.

4. The Applicant shall provide the maximum of either (a) 25 bicycle parking spaces or (b) the number of bicycle parking spaces required by the City of Atlanta, whichever is greater, in the aggregate, within Parcels A, B and C. These spaces shall be located as close as practicable to the buildings while, in the developer's sole discretion, maintaining the architectural integrity of the buildings and their landscaping and hardscaping schemes.
5. Permanent storm water detention shall be located below grade or will not be visible for the public right-of-way. The project, upon completion, shall release storm water runoff at a rate equal to 65% or less of the predevelopment storm water runoff rate.
6. All dumpsters will be screened from public rights-of-way.
7. Exterior lighting on buildings and parking decks shall be designed, shielded and constructed so as to minimize light spill into single-family areas.
8. The Applicant shall request that the City re-time and coordinate the traffic signals in the vicinity of the property to optimize traffic progression and that transportation impact fees from this development be used for such work. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning prior to issuance of a Special Administrative permit.
9. Prior to the beginning of demolition of each parcel, a demolition management plan for demolition traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Likewise, prior to the beginning of construction of each parcel, a construction management plan for construction traffic will be prepared and will be delivered to the Development and Transportation Chair of NPU-B and to the Director of the Bureau of Planning for review. Evidence of compliance with this condition shall be provided in writing to the Bureau of Planning prior to issuance of a Special Administrative Permit.
10. These conditions of zoning shall be binding upon all successors and assigns of the Applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning. The Applicant will not request any administrative amendment without providing evidence that notice of such request has been given to the Chair of the Zoning Committee of NPU-B which seeks to:
 - (a) increase the square footage of any building or the number and/or location of parking spaces; except as provided in paragraph 1;
 - (b) change any of the uses or location of said uses specified except as provided in paragraph 1;
 - (c) decrease any exterior setback or the amount of landscaped area;



materially reduce public access or public spaces; or

(c) otherwise materially alter these conditions.

The Applicant will have the right to request administrative changes without such notification so long as such changes are required to comply with technical permitting requirements of the City of Atlanta or to address site conditions.

11. The Applicant, with the support of NPU B, shall request and support appropriate legislation that will require that all transportation impact fees generated from this development will be used to mitigate traffic on the streets in the area surrounding the development. Evidence of compliance with these conditions shall be provided in writing to the Bureau of Planning at the initial application for a Special Administrative Permit.
12. That portion of Bolling Way between Buckhead Avenue and Pharr Road shall be abandoned as requested by the Applicant and the Applicant, with the support of NPU B, shall request that the money paid to the City for the abandonment be used to help fund the installation of dedicated left turn lanes north and south bound at the intersection of Peachtree and Pharr Roads.
13. Any public commercial dry cleaning facilities shall be a collection facility only and shall not contain dry cleaning equipment except for laundry/dry cleaning facilities within hotels and residential buildings and serving those uses.
14. Subject to approval by the owner of the property, the Applicant shall provide a safe, landscaped, well-defined pedestrian connection from Buckhead Avenue to Pharr Road adjacent to the Fulton County-City of Atlanta Public Library. The Applicant shall also provide a safe, well-defined pedestrian connection to include both elevators and escalators, from Buckhead Avenue to Pharr Road through Parcel A.

One Piedmont Center, Suite 303 3565 Piedmont Road Atlanta, Georgia 30305

SPECIAL USE PERMIT SITE PLAN FOR PARCEL B BUCKHEAD AVENUES ATLANTA, GEORGIA		CITY OF ATLANTA DEPARTMENT OF PUBLIC WORKS DIVISION OF STREET DESIGN 100 N. DECATUR ST., S.W. ATLANTA, GA 30334 (404) 526-7000		SHEET NO. 1 OF 1	DATE: 10/1/2010 DRAWN BY: J. B. BROWN CHECKED BY: J. B. BROWN APPROVED BY: J. B. BROWN
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06-0-2693
(Do Not Write Above This Line)

AN ORDINANCE U-06-32
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit pursuant to Section 16-11 (005 (i)) (b) for a Hotel, property located at 3057, 3059, 3063, 3067, 3069 and 3071 Peachtree Road N.E., fronting approximately 226 feet on the south side of Buckhead Avenue, approximately 337 feet on the east side of Peachtree Road, approximately 339.84 feet on the west side of Bolling Way and approximately 251.71 feet on the north side of Pharr Road. Depth: varies. Area: approximately 3.0 acres. Land Lot 99, 17th District, Fulton County, Georgia. OWNERS: JOHN A. HAKTRAMPF, JR. (ACTION OODDOOR ADVERTISING, LLC), STAFFORD PHARR, LLC AND VILLAGE PROPERTIES. APPLICANT: BUCKHEAD AVENUES DEVELOPMENT CO. LLC. NPU-8 COUNCIL DISTRICT 7

ADOPTED BY

APR 16 2007

- ☐ CONSENT REFER COUNCIL
☒ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 4/16/07

Referred To: ZRB & Young

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
Committee Date 4/16/07
Chair 4/16/07
Referred To 4/16/07

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav. Adv. Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

APR 16 2007

APR 16 2007

APR 16 2007

MAYOR'S ACTION

MAYOR

RCS# 1099
4/16/07
2:41 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 06-O-2305,2691,2692,2693,2694,
 07-O-0150,0151,0152,0269
 ADOPT AS AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	E Moore	NV Mitchell
Y Hall	Y Fauver	B Martin	Y Norwood
Y Young	NV Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE

RCS# 1717
2/04/08
3:43 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE

08-O-0205, 08-O-0206

REFER ZRB/ZONE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE